



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

October 18, 1990

105 South Meridian Street
P.O. Box 6015
Indianapolis 46206-6015
Telephone 317/232-8603

STATE OF INDIANA)
)
COUNTY OF MARION)

BEFORE THE INDIANA DEPARTMENT
OF ENVIRONMENTAL MANAGEMENT

COMMISSIONER OF THE DEPARTMENT
OF ENVIRONMENTAL MANAGEMENT,

Complainant,

v.

GARY DEVELOPMENT COMPANY, INC.,

Respondent.

CAUSE NO. B-1357

EMERGENCY ORDER OF THE COMMISSIONER

VIA CERTIFIED MAIL P 730 163 114

TO: Mr. William M. Nanini, President Gary Development Company, Inc. 2727 West Club Drive Tucson, Arizona 87541	C.T. Corporation, Resident Agent Gary Development Company, Inc. 1 North Capitol Indianapolis, Indiana 46204
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Follows is the Emergency Order of the Commissioner of the Department of Environmental Management issued against Gary Development Company, Inc. for violation of the Water Pollution Control Act. This Emergency Order is issued pursuant to IC 13-7 and IC 4-21.5-4 and is based on an investigation which revealed a threat to the environment and potential health condition. During this investigation, it was determined that Gary Development Company, Inc. was in violation of 327 IAC 5. This rule states, in part, that a point source discharge of pollutants to waters of the State without a valid NPDES Permit is prohibited. Such a discharge is also a violation of IC 13-1-3, and the Environmental Management Act (IC 13-7).

I. FINDINGS OF FACT

1. Complainant is the Commissioner of the Indiana Department of Environmental Management (also referred to as Commissioner).
2. Complainant has jurisdiction over the Respondent and the subject matter of this action.
3. Respondent, Gary Development Company, Inc. owns a sanitary landfill located in Gary, Indiana.

4. Complainant conducted an inspection of Respondent's facility on August 1, 1990. The inspection revealed that Respondent was discharging leachate water from their facility to receiving waters named the Grand Calumet River.

5. Respondent does not have an NPDES Permit that authorizes point source discharges from the above named facility.

6. Complainant alleges that as a result of untreated leachate flowing from Respondent's sanitary landfill, a threat to the aquatic environment of the Grand Calumet River and human health exists.

II. ORDER

WHEREFORE, it is now ORDERED that upon receipt of this Emergency Order, Respondent shall:

1. Respondent shall immediately cease the discharge of leachate into waters of the State.

2. Respondent shall apply for an NPDES Permit within sixty (60) days of the effective date of this Order.

Did they?


3. This Emergency Order is effective upon issuance, except that:

a. A party affected by this Emergency Order may request a hearing under IC 4-21.5-4-4 by submitting a written request to the Commissioner at the aforementioned address.

b. Upon a request by a party for a hearing, the agency shall, as quickly as practicable, set the matter for an evidentiary hearing and an administrative law judge shall determine whether this Emergency Order should be voided, terminated, modified, stayed, or continued.

c. This Emergency Order expires ninety (90) days from the date of issuance and is subject to renewal under IC 4-21.5-4-5.

Dated at Indianapolis, Indiana, this 16th day of October.


Kathy Prosser
Commissioner

GARY DEVELOPMENT COMPANY, INC.

- 4-14-80 Cause No. B 406 ordered company to cease discharge unless in conformity with an NPDES permit.

- 11-17-80 Company submitted NPDES application

- 2-18-83 Cause No. N-53 ordered monitoring wells (4) to be sampled on a quarterly basis. Were to sample for chloride, COD, total hardness, total iron, and TSS. Condition regarding discharge of water from site into Grand Calumet or other waters was deleted from the order. Indiana Environmental Management Board reached settlement of appeal. Paragraph #3 of the AO deleted requirements for NPDES permit. > Doc.?

- 8-29-89 Petition from Company for variance from solid waste rules.

- 12-11-89 Request for hearing on variance.

- 10-16-90 Emergency Order of the Commissioner Cause No. B-1357 ordered Company to cease discharge and to obtain NPDES permit within 60 days.

- 11-90 Petition for hearing on emergency order.

- 4-26-91 Ruling from ALJ, Anita Rupert. ALJ ordered company to immediately cease discharge without valid NPDES permit. Company to submit application and IDEM to rule on application within 60 days.

- 5-13-91 IDEM filed objections to ALJ's findings including the fact that IDEM's observations and lack of analysis did not sufficiently support conclusion that water discharged contained leachate. ALJ added "nonetheless there is sufficient evidence to support IDEM's position that Company must obtain NPDES permit for its point source discharge."

- 3-23-94 Final Order of the Water Pollution Control Board, ordered Company to 1) cease discharging any water off-site until in conformity with valid NPDES permit and 2) IDEM shall rule on Company's NPDES application within 60 days of receipt.